

STATE OF NORTH CAROLINA )  
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COUNTY OF STOKES )  
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OFFICE OF THE COMMISSIONERS  
STOKES COUNTY GOVERNMENT  
DANBURY, NORTH CAROLINA  
JUNE 3, 2008

The Board of Commissioners of the County of Stokes, State of North Carolina, met for regular session (Planning) in the Commissioners' Chambers of the Ronald Wilson Reagan Memorial Building (Administrative Building) located in Danbury, North Carolina on Tuesday, June 3, 2008 at 7:00 pm with the following members present:

Chairman J. Leon Inman  
Vice-Chairman Jimmy Walker  
Commissioner Ron Carroll  
Commissioner Ernest Lankford  
Commissioner Stanley Smith

County Personnel in Attendance:  
County Manager K. Bryan Steen  
Clerk to the Board Darlene Bullins  
Planning Director David Sudderth

Chairman J. Leon Inman called the meeting to order.

Commissioner Smith delivered the invocation.

**GENERAL GOVERNMENT-GOVERNING BODY-PLEDGE OF ALLEGIANCE**

Chairman Inman opened the meeting by inviting the citizens in attendance to join the Board with the Pledge of Allegiance.

**GENERAL GOVERNMENT – GOVERNING BODY – APPROVAL OF AGENDA**

Chairman Inman entertained a motion to approve or amend the June 3rd agenda.

Commissioner Lankford moved to approve the June 3<sup>rd</sup> agenda as submitted.

Commissioner Smith seconded and the motion carried unanimously.

## **PUBLIC HEARINGS**

### **Rezoning Request – Colonial Funeral Home and Chapel #199**

Chairman Inman opened the public hearing for the Rezoning Request (RA to H-B-CU for increase parking area) for Colonial Funeral Home and Chapel #199. There were no public comments. Mr. Barry Dodson, representative for Colonial Funeral Home, was available for questions.

Chairman Inman closed the public hearing.

### **Rezoning Request – Douglas Moorefield #200**

Chairman Inman opened the public hearing for the Rezoning Request (RA to RE-CU for a 3-lot subdivision) for Douglas Moorefield #200. There were no public comments.

Chairman Inman closed the public hearing.

## **GENERAL GOVERNMENT – DISCUSSION AGENDA**

### **Colonial Funeral Home and Chapel - RA to H-B-CU # 199**

Planning Director David Sudderth presented the following information regarding the Rezoning Request #199 (RA to H-B-CU) for Colonial Funeral Home and Chapel to increase the parking area. (Request to Rezone approximately .336 acres)

## **STAFF REPORT**

**REQUEST:** Rezone approximately .336 acres from RA (Residential Agricultural) to H-B-CU (Highway Business Conditional Use) for additional parking for the Funeral Home.

**SITE OWNER:** Lynwood H. Shelton

**APPLICANT:** Colonial Funeral Home & Chapel

**SITE LOCATION:** The property is located adjacent to and east of the Colonial Funeral Home & Chapel property located at 1020 Hope Beasley Rd. in the Sandy Ridge area.

**Map:** 6060

**Parcel:** portion of 4852

**PIN #:** 6060-00-93-4852

**Deed Book:** 534

**Pages:** 1767

**Township:** Snow Creek

### **SITE INFORMATION:**

**PARCEL SIZE:** Total tract .336 acres

**ZONING DISTRICT:** RA (Residential Agricultural)

**PROPOSED DISTRICT:** H-B-CU (Highway-Business Conditional Use)

**FLOOD HAZARD AREA:** N/A.

**FIRM MAP #:** 3710606000J

**FIRM MAP ZONE:** Property is located in Zone X, area determined to be outside the 500-year floodplain.

**WATERSHED DISTRICT:** N/A

**SEPTIC/WATER APPROVAL:** N/A

**SCHOOL DISTRICTS:** N/A

**EMERGENCY SERVICES:** Northeast Stokes VFD, EMS - Station # 2 Lawsonville.

**EROSION CONTROL:** When construction begins, if necessary.

**ACCESS:** The business has two existing driveway accesses. One off of Hope Beasley Rd. (SR# 1615) that was approved during the original rezoning process in 2005. The second access is located off of NC Hwy 704 and was approved in February of 2006 by the Stokes County Board of Commissioners as a change of conditional use.

**SURROUNDING LAND USE:** The subject property is located on the corner of Hope Beasley Rd., SR# 1615 and NC Hwy 704. The surrounding property is zoned RA (Residential Agricultural) and consists of open land and residential structures.

**ISSUES TO CONSIDER:**

- Impact on surrounding development.
- Consistency with surrounding development.
- Impact on community infrastructure, roads, public services etc.
- Need of services provided.

**STAFF COMMENTS:** The rezoning request comes to the Board as a conditional use-zoning request; you may discuss the development plan of the proposed parking lot expansion for the funeral home in detail. Their need for additional space has expanded and the request for additional parking should not pose a problem for the community. The new parking area will be created behind the building on existing funeral home property and on the newly purchased property if approved. They will also utilize property already zoned to expand the existing parking area. There are currently 68 existing parking spaces. The proposal is to add 75 additional parking spaces to meet demand.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 7 to 0 to recommend approval of the requested rezoning from RA to H-B-CU by Colonial Funeral Home & Chapel. The Board saw no problems with the applicant's request to expand the existing parking areas. The Board also recommended approval of the Conditional Use Permit by a vote of 7 to 0. The applicant agreed to the proposed conditions recommended by the Planning Board.

Director Sudderth noted that there was no opposition to the rezoning request.

The Board had no issues with the rezoning request.

**Douglas Moorefield -RA to RE-CU # 200**

Planning Director David Sudderth presented the following information regarding the Rezoning Request #200 (RA to RE-CU) for Douglas Moorefield for a 3-lot residential subdivision. (Request to Rezone approximately 4.1 acres)

**STAFF REPORT**

**REQUEST:** Rezone approximately 4.1 acres from RA (Residential Agricultural) to RE-CU (Residential Exclusive Conditional Use) for a 3-lot residential subdivision.

**SITE OWNER:** Douglas Moorefield

**APPLICANT:** Douglas Moorefield

**SITE LOCATION:** The property is located on the east side of Tuttle Rd. (SR#1715) approximately .1 miles south of the intersection with Old Tilley Rd. (SR# 1714).

**Map:** 696401                      **Parcel:** 5316

**PIN #:** 6964-01-48-5316

**Deed Book:** 274                      **Page:** 795

**Township:** Sauratown

**SITE INFORMATION:**

**PARCEL SIZE:** Total tract 4.1 acres

**TOTAL TRACT SIZE:** 64.997 acres

**ZONING DISTRICT:** RA (Residential Agricultural)

**PROPOSED DISTRICT:** RE-CU (Residential Restricted Conditional Use) for a 3-lot subdivision.

**FLOOD HAZARD AREA:** Not located in flood hazard area.

**FIRM MAP #:** 3710696400J

**FIRM MAP ZONE:** Zone X - Area outside 500-year floodplain.

**WATERSHED DISTRICT:** N/A

**SEPTIC/WATER APPROVAL:** Mr. Richard Farris, a licensed soil scientist, has evaluated the site for septic disposal and found it provisionally suitable for septic systems. This report was prepared in April 2008 for Mr. Moorefield. Individual septic permits will have to be issued for each proposed lot by the Stokes County Health Department, (Environmental Health Section).

**SCHOOL DISTRICTS:** Walnut Cove Elementary, Southeastern Middle, South Stokes High

**EMERGENCY SERVICES:** Walnut Cove VFD, EMS - Station # 101 – Walnut Cove

**EROSION CONTROL:** Plan submittal will only be required if more than one acre of land is disturbed during the construction process.

**ACCESS:** Access for proposed lots would be off of Tuttle Rd. (SR# 1715).

**SURROUNDING LAND USE:** The subject property is currently vacant. The surrounding property is zoned RA (Residential Agricultural) and is used for residential and agricultural purposes. The primary housing type along Tuttle Rd. is a mixture of stick-built homes and manufactured housing. This proposal of single-family dwellings would be consistent with the current housing in the area.

**ISSUES TO CONSIDER:**

- Consistency with surrounding housing types.
- Housing compatibility with surrounding neighborhood.
- Impact on existing community infrastructure, schools, roads, public services etc.

**STAFF COMMENTS:** This rezoning request comes to the Board as a request for a conditional use rezoning for a 3-lot residential subdivision to be rezoned to RE –CU (Residential Exclusive) that would allow stick built and modular homes. The Board may discuss the development plan in detail. The addition of stick-built homes in this area is consistent with the mixed uses on the surrounding property and should not pose a substantial burden on the community infrastructure. The subdivision review committee will have to review the subdivision proposal on its technical merits if approved by the Board.

**PLANNING BOARD RECOMMENDATION:** The Planning Board voted 7 to 0 to recommend approval of the requested rezoning from RA to RE-CU for a (3) lot residential subdivision. . The Board also recommended approval of the Conditional Use Permit by a vote of 7 to 0. The applicant agreed to the proposed conditions recommended by the Planning Board.

Director Sudderth noted that there was no opposition to the rezoning request.

The Board discussed the rezoning request.

The Board had no issues with the rezoning request.

**PUBLIC COMMENTS**

There were no public comments.

**GENERAL GOVERNMENT – ACTION AGENDA**

**Colonial Funeral Home and Chapel - RA to H-B-CU # 199**

Chairman Inman entertained a motion to approve the Rezoning Request #199 (Colonial Funeral Home and Chapel RA to H-B-CU) to rezone approximately .336 acres for additional parking space for the Funeral Home.

Commissioner Lankford moved to approve the Rezoning Request #199 (Colonial Funeral Home RA to H-B-CU) to rezone approximately .336 acres for additional parking for the Funeral Home. Vice Chairman Walker seconded and the motion carried unanimously.

Planning Director Sudderth reviewed the following recommended conditions:

**Recommended Conditions for Colonial Funeral Home & Chapel H-B-CU #199**

1. The property rezoned shall be utilized as parking for the funeral home.
2. Applicant shall adhere to all applicable Federal, State, and local laws.

**Existing**  
**2005 APPROVED CONDITIONS:**  
**Colonial Funeral Home & Chapel**

1. NCDOT must approve a commercial driveway access for the site.
2. Applicant shall adhere to all applicable Federal, State, and local laws.
3. If any of these conditions are not met or complied with or the permit has not been exercised in or before one (1) year from the granting of the permit, the permit shall become void and of no effect.
4. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
5. Any structure shall post a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
6. If conflict arises between any conditions or the developer's proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
7. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County.
8. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
9. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
10. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
11. Appropriate hedgerow buffer mixed with trees on sides of property.
12. Parking lot and building lighting that does not project directly to surrounding properties.
13. An approved erosion control plan must be submitted.
14. Or any other condition that the Boards may deem necessary at the time the project is approved.

Mr. Barry Dodson, representative for Colonial Funeral Home, had no issues with the additional recommended conditions.

Director Sudderth noted Section 133 and Section 134 which relate to Granting a Conditional Use Permit.

**Section 133. Conditions and Guarantees**

Prior to the granting of any conditional use, the Planning Board may recommend, and the responsible body (either the Governing Body or the Board of Adjustment) may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 132.5 above. In all cases in which conditional uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (d) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

**Section 134. General Provisions in Granting Conditional Use**

134.1 Compliance with Other Codes

Granting a conditional use does not exempt applicant from complying with all of the requirements of other ordinances.

134.2 Revocation

In any case where the conditions of a conditional use have not been or are not being met, the Enforcement Officer shall give the grantee notice of intention to revoke approval. Said notice shall be at least ten (10) days prior to action by the responsible body considering conditional uses.

134.3 Expiration

In any case where a conditional use has not been exercised within the time limit set by the responsible body, or within one (1) year if no specific time limit has been set, then without further action, the approval shall be null and void. "Exercised" as set forth in this Section shall mean that binding contracts for the construction of the main building have been let; or in the absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are constructed in a substantial stage of development, or completed (sewage, drainage, etc.). When construction is not a part of the

use, “exercised” shall mean that the use in operation is in compliance with the conditions which are set forth in the approval.

Director Sudderth requested the Board’s response to each of the following:

The responsible body shall approve, modify, or deny the application for use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Yes (5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Yes (5-0)

Chairman Inman entertained a motion regarding the Rezoning Request #199 –

Conditional Use Permit- Colonial Funeral Home and Chapel – additional parking area.

Commissioner Lankford moved to approve the Rezoning Request #199 – Conditional Use Permit – Colonial Funeral Home and Chapel – additional parking area. Commissioner Smith seconded and the motion carried unanimously.

**Douglas Moorefield - RA to RE-CU # 200**

Chairman Inman entertained a motion to approve the Rezoning Request #200 (Douglas Moorefield RA to RE-CU) to rezone approximately 4.1 acres for a 3-lot residential subdivision.

Commissioner Smith moved to approve the Rezoning Request #200



(Douglas Moorefield RA to RE-CU) to rezone approximately 4.1 acres for a 3-lot residential subdivision. Vice Chairman Walker seconded and the motion carried unanimously.

Planning Director Sudderth reviewed the following required conditions:

**Proposed Conditions for Douglas Moorefield RE-CU #200**

1. The proposed use shall be for a “3-lot residential subdivision” consisting of stick built and modular homes in the RE-CU zoning district.
2. NCDOT shall approve and permit driveway entrances to the subdivision if necessary.
3. Adequate storm water facilities shall be provided for each lot, including the placement of NCDOT approved drain tile under each driveway if necessary.
4. All improvements shall be completed before final subdivision approval is granted by the (SRC) Subdivision Review Committee.
5. All required permits must be obtained from the County Inspections Department prior to placing structures on the property, as well as any signage that may accompany the project.
6. Each dwelling unit shall also have a visible lot number in a numbering scheme approved by the County to facilitate rapid emergency response (E- 911).
7. If conflict arises between any conditions or the developer’s proposed site plan or written text, the most stringent conditions or requirements shall be considered the governing requirement.
8. All costs and expenses associated with complying with these conditions shall be borne by the landowner/developer, with no expense being borne by the County.
9. Upon written request by the County, evidence of compliance with any of these conditions shall be provided to the County within ten (10) days after each request.
10. The Rules and Regulations of the Developer, as modified by the developer at the prior hearing (s) on this request, shall not be inconsistent with these conditions. Any conflict between said Rules and Regulations shall be resolved in favor of these conditions.
11. If any of the conditions shall be found to be unreasonable, invalid or otherwise impermissible by a court of competent jurisdiction then the County may impose such alternative reasonable conditions as it finds to be necessary and appropriate.
12. If any of these conditions once met are not continuously maintained, the permit may be revoked by the County upon the failure of the owner/developer to cure the deficiency in any specific condition within thirty (30) days after written notice to the owner/developer of the specific failed condition.
13. The lots approved shall not be further subdivided.
14. The Conditional Use permit will expire one (1) year after approval is received from the Board of Commissioners. If no work on infrastructure improvement has begun or no final plat is recorded within this time frame, the Conditional Use permit will expire. The Planning Department shall determine if substantial work or progress has been made to allow continuance of the project.

15. Or any other condition that the Boards may deem necessary at the time the project is approved.

Mr. Moorefield has agreed to all of the recommended conditions.

Director Sudderth noted Section 133 and Section 134 which relate to Granting a Conditional Use Permit.

### **Section 133. Conditions and Guarantees**

Prior to the granting of any conditional use, the Planning Board may recommend, and the responsible body (either the Governing Body or the Board of Adjustment) may stipulate, such conditions and restrictions upon the establishment, location, reconstruction, maintenance, and operation of the conditional use as it deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection 132.5 above. In all cases in which conditional uses are granted, the responsible body shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated are being met. Conditions may include, but not limited to, the following:

- (a) Conditions may be imposed to abate or restrict noise, smoke, dust, or other elements that may affect surrounding properties.
- (b) Establish setback, side, front, and rear yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide adjoining property with a buffer or shield from view of the proposed use if necessary.
- (e) Establish a time limit at expiration of which the permit or approval shall no longer be valid, or shall require renewal.

### **Section 134. General Provisions in Granting Conditional Use**

#### 134.4 Compliance with Other Codes

Granting a conditional use does not exempt applicant from complying with all of the requirements of other ordinances.

#### 134.5 Revocation

In any case where the conditions of a conditional use have not been or are not being met, the Enforcement Officer shall give the grantee notice of intention to revoke approval. Said notice shall be at least ten (10) days prior to action by the responsible body considering conditional uses.

#### 134.6 Expiration

In any case where a conditional use has not been exercised within the time limit set by the responsible body, or within one (1) year if no specific time limit has been set, then without further action, the approval shall be null and void. "Exercised" as set forth in this Section shall mean that binding contracts for the construction of the main building have been let; or in the

absence of contracts that the main building is under construction to a substantial degree; or that prerequisite conditions involving substantial investment are constructed in a substantial stage of development, or completed (sewage, drainage, etc.). When construction is not a part of the use, “exercised” shall mean that the use in operation is in compliance with the conditions which are set forth in the approval.

Director Sudderth requested the Board’s response to each of the following:

The responsible body shall approve, modify, or deny the application for use following the public hearing. In granting a conditional use, the responsible body shall insure:

- (a) The requested use is listed among the conditional uses in the district for which application is made. Yes (5-0)
- (b) The requested use is essential or desirable to the public convenience or welfare. Yes (5-0)
- (c) The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor be detrimental to the health, morals, or welfare. Yes (5-0)
- (d) Due consideration has been given to the suitability of the property for the use applied for with respect to trends of growth or change; the effect of the proposed use upon the community; requirements for transportation, schools, parks, playgrounds, recreational area, conservation of natural resources, preservation of floodplains, and encouraging the most appropriate use of the land. Yes (5-0)
- (e) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided. Yes (5-0)
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Yes (5-0)

Chairman Inman entertained a motion regarding the Rezoning Request #200 –

Conditional Use Permit- Douglas Moorefield – 3-lot residential subdivision.

Vice Chairman Walker moved to approve the Rezoning Request #200 – Conditional Use Permit- Douglas Moorefield – 3-lot residential subdivision. Commissioner Smith seconded and the motion carried unanimously.

### **PLANNING BOARD RE-APPOINTMENTS**

Director Sudderth submitted the following information regarding Planning Board Re-Appointments:

- ◆ The submitted Planning Board members’ terms will expire June 30, 2008.
- ◆ Terms run for three (3) years. New terms will expire June 30, 2011.

- ◆ All members have agreed to serve if re-appointed.
- ◆ As you may recall, Larry Snyder was appointed to fill out the term of Dempsey Lilly as the representative from Yadkin Township earlier this year. Mr. Lilly's term would have expired June 30, 2008.
- ◆ Dowell (Darrell) Lester – Chairman – **Snow Creek Township**
- ◆ Ronnie Morris – Member -**Sauratown Township**
- ◆ Lloyd (L.G. ) Tilley - Member – **Quaker Gap Township**
- ◆ Larry Snyder – Member - **Yadkin Township**

Director Sudderth noted that the Clerk will advertise the vacancies according to county policy.

**Town of Danbury – Zoning Enforcement**

Director Sudderth informed the Board that the Town of Danbury would be sending formal notification to inform the County that the Town would be terminating its contract with the County for zoning enforcement. Town Administrator Byron Ellis will now be performing those duties for the Town.

**Adjournment**

There being no further business to come before the Board, Chairman Inman entertained a motion to adjourn the meeting.

Vice Chairman Walker moved to adjourn the meeting. Commissioner Smith seconded and the motion carried unanimously.

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**Darlene M. Bullins**  
**Clerk to the Board**

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**J. Leon Inman**  
**Chairman**